

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARLA PERKINS,

No. C 04-05197 JCS

Plaintiff,

v.

**NOTICE RE HEARING  
DATES; ORDER SETTING  
BRIEFING DEADLINES**

ROTECH HEALTHCARE, INC.,

Defendant.

TO ALL PARTIES AND COUNSEL OF RECORD:

Defendant previously noticed a Motion for Summary Judgment (the “Motion”) for October 7, 2005. On September 16, 2005, Plaintiff filed an opposition to the Motion and a Motion for Leave to File First Amended Complaint (the “Motion to Amend”), also noticed for October 7, 2005. In order to allow briefing on Plaintiff’s Motion to Amend and to provide Defendant an opportunity to file a supplemental motion for summary judgment with respect to ant new claim that may be permitted (The “Supplemental Motion for Summary Judgment”), the Court has continued the October 7, 2005 hearing to **Wednesday, October 19, 2005 at 9:30 a.m.** The Motion will be heard concurrently with the Supplemental Motion for Summary Judgment, if Defendant chooses to file one with respect to the proposed new claim, and with Plaintiff’s Motion to Amend.

Briefing shall be as follows:

**September 23, 2005:** Deadline for Defendant of file reply papers on its Motion for Summary Judgment, and any opposition papers on Plaintiff’s Motion for Leave to Amend the Complaint.  
**September 26, 2005:** Deadline for Defendant to file a Supplemental Motion for Summary Judgment, addressing any proposed new claims.

1 **October 3, 2005:** Deadline for Plaintiff to file papers in opposition to the Supplemental Motion for  
2 Summary Judgment.

3 **October 10, 2005:** Deadline for Defendant to file reply papers in support of the Supplemental  
4 Motion for Summary Judgment.

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6 IT IS SO ORDERED.

7 Dated: September 21, 2005

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10 JOSEPH C. SPERO  
11 United States Magistrate Judge  
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